

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 v. )

11 RYAN TICHY, )

12 Defendant. )

Case No. CR03-449-MJP  
CR08-237-MJP

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 21,  
15 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by Bruce Miyake, and defendant was represented by Gilbert H. Levy. Also present  
17 was U.S. Probation Officer Thomas J. Fitzgerald. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 For case number **CR03-449-MJP**, defendant was sentenced on May 21, 2004 by the  
20 Honorable Marsha J. Pechman for Possession of a Document Making Implement, Possession of  
21 Counterfeit Identifications, and Possession of Stolen Mail. He received 30 months of detention  
22 and 3 years of supervised release. On November 14, 2009, defendant appeared before the Court  
23 for both his supervised release violation and his new federal offense under case number **CR08-**

1 **237-MJP.**

2 Defendant received a sentence of 4 months of detention in CR03-449-MJP to run  
3 consecutive to 1 year and 1 day in CR08-237-MJP. Supervised release in CR03-449-MJP was  
4 set at 21 months to run concurrently with the 3 year term of supervised release in CR08-237-  
5 MJP.

6 **PRESENTLY ALLEGED VIOLATIONS**

7 In a petition dated November 20, 2009, U.S. Probation Officer Thomas J. Fitzgerald alleged  
8 that defendant violated the following conditions of supervised release:

- 9 1. Committing the crime of identity theft, on or before November 30, 2009, in violation of  
10 the mandatory condition of supervised release that he not commit a federal, state, and/or  
11 local crime.
- 12 2. Committing the crime of theft, or before November 30, 2009, in violation of the  
13 mandatory condition of supervised release that he not commit a federal, state, and/or  
14 local crime.
- 15 3. Committing the crime of possession of stolen property, or before November 30, 2009, in  
16 violation of the mandatory condition of supervised release that he not commit a federal,  
17 state, and/or local crime.

18 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

19 The government dismissed violations 1 and 3. Defendant admitted to violation 2, waived  
20 any hearing as to whether they occurred, and was informed the matter would be set for a  
21 disposition hearing February 1, 2010 at 4:00 p.m. before District Judge Marsha J. Pechman.

22 **RECOMMENDED FINDINGS AND CONCLUSIONS**

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 21<sup>st</sup> day of January, 2010.

3  
4 

5 BRIAN A. TSUCHIDA  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23